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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Francisco Division)

U.A. LOCAL 342 JOINT LABOR-
MANAGEMENT COMMITTEE; et al.,

Plaintiffs,

vs.

RAMCON COMPANY, INC., a California
Corporation,

Defendant.

Case No. C-07-0908 SI

**MISCELLANEOUS ADMINISTRATIVE
REQUEST, re: MOTION FOR
DEFAULT JUDGMENT; [PROPOSED]
ORDER**

Date:

Time:

Location: 450 Golden Gate Avenue
San Francisco, CA 94102

Courtroom: 10, 19th Floor

Judge: Hon. Susan Illston

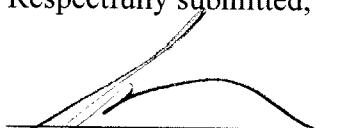
Pursuant to Local Rule 7-10(b), Plaintiffs hereby respectfully request this Court to continue the hearing date regarding the Motion for Default Judgment presently set for Friday, October 12, 2007 at 9:00 a.m. in the above-captioned action to 9:00 a.m. on Friday, November 9, 2007 because although the audit of the Defendant was finalized and the parties tentatively settled their dispute, Defendant has failed to make any of the payments required by the Settlement Agreement or return fully executed settlement documents including a Stipulation for Contingent Order of Dismissal. (De Nardo DCN ¶¶ 2, 4).

The first payment required by the Settlement Agreement was due on September 20, 2007, and Plaintiffs repeatedly extended Defendant's time to make that payment and return fully executed settlement documents so that this action could be dismissed pursuant to that agreement. (De Nardo DCN ¶¶ 3, 5). Plaintiff's final extension of time allowed Defendant to comply by October 8, 2007. (De Nardo DCN ¶ 5).

As no payment or executed settlement documents have been tendered, and thus the terms of the verbal settlement agreement have not been met, the hearing on a Motion for Default Judgment should be continued until November 9, 2007 at 9:00 a.m. to allow Plaintiffs time to draft a Motion for Default Judgment, as Defendant has willfully failed to settle this matter per prior verbal agreement despite being given ample opportunity by Plaintiffs.


Dated: 10/9/2007

Respectfully submitted,


SCOTT M. DE NARDO
Attorneys for Plaintiffs

IT IS SO ORDERED.

Dated: _____


U.S. District Court Judge

PROOF OF SERVICE BY MAIL

I, the undersigned, declare:

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action; my business address is 44 Montgomery Street, Suite 2080, San Francisco, California 94104. On October 9, 2007, I served the within:

MISCELLANEOUS ADMINISTRATIVE REQUEST RE: MOTION FOR DEFAULT JUDGMENT

on the parties in said cause following our business practice, with which I am readily familiar. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I placed a true copy of the within document enclosed in a sealed envelope with first class postage thereon fully prepaid for collection and deposit on the date shown below in the United States mail at San Francisco, California addressed as follows:

RAMCON COMPANY, INC.
1659 – C Industrial Road
San Carlos, CA 94070

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on October 9, 2007, at San Francisco, California.


Ben Lunch